IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1355 OF 2006
IN
FIRST APPEAL No.2510 OF 2005

1. Shri Shantilal Rupchand Parekh and ors Applicants/ Appellants

Vs

1. Chimanlal Shamji Shah and ors. .. Respondents.

Mr A.A.Kubhakoni, counsel, i/b Mr Sandesh Patil, for the applicants.

Mr Ajay Panicker for respondent nos 2 to 5.

CORAM : D.B.BHOSALE,J.
DATE : 01.12.2006

PC:

1. Heard the learned counsel for the parties.

2. It appears that the trial Court directed the appellants/defendant nos 1 and 2 to pay compensation by way of damages at the rate of Rs.59,700/- per month with effect from 1.4.1990 to 21.5.1993 holding that they illegally obstructed the plaintiffs from letting out the basement area, first and second floors of the suit premises to the State Bank of India for commercial purpose. Admittedly, the Bank had dropped the proposal of taking the premises of the plaintiffs on rent on 30.4.1990 in view of the information given the appellants/defendants to the Bank that the premises of the plaintiff, which they intended to take on lease, was unauthorised. There is no dispute that the premises

which the plaintiffs-respondents intended to let out to the Bank was regularised by the corporation on 23.5.1990. The aforesaid facts clearly demonstrate that the date on which the Bank dropped the proposal, the premises was not authorised. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, the appellants have shown sufficient cause to dispense with the deposit of decretal amount pending hearing and final disposal of the suit. However, interest of justice would be served if the appellants furnish some security to the satisfaction of the Registrar. Mr Kumbhakoni, learned counsel for the applicants readily agreed to furnish solvent security to the satisfaction of the Registrar. In the circumstances, the ad-interim relief granted earlier stands confirmed subject to condition that the applicants shall furnish security to the satisfaction of the Registrar within a period of eight weeks from today. Hearing of the appeal is expedited.

3. The civil application is disposed of.

(D.B.BHOSALE,J.)